

# Exhibit H-1

## “Informal, BP-8”

**Response to Informal Resolution Form**

Inmate: **SCHULTE, Joshua**  
Register Number: **79471-054**

This is in response to your March 6, 2019 Informal Resolution Form, in which you request greater access to television.

A television is provided for your viewing during your recreation periods. There are no inmates at this facility with televisions in their cells.

If you are not satisfied with this response, you may address your grievance through the administrative remedy program.

3/20/2019  
Date

  
Unit Manager

NYM 1330.7  
ATTACHMENT 1

**METROPOLITAN CORRECTIONAL CENTER, NEW YORK  
ADMINISTRATIVE REMEDY PROCEDURE FOR INMATES**

**INFORMAL RESOLUTION FORM (BP-8)**

**NOTE TO INMATE:** With the exception of sensitive issues and DHO appeals, you are advised that prior to receiving and filing a Request for Administrative Remedy Form BP229(13) (old BP-9), you **MUST** attempt to informally resolve your complaint through your correctional counselor. Additionally, in accordance with P.S. 1330.13, you have the responsibility to present complaints in good faith and in an honest and straightforward manner. Before completing this form, you should make every effort to honestly attempt to informally resolve this matter verbally with staff. Briefly state ONE complaint below and list what efforts you have made to resolve your complaint informally.

Date form issued and initials of Corr. Counselor: \_\_\_\_\_

**INMATE'S COMMENTS:**

1. Complaint: Arbitrary TV removal on SAMs: Access to a TV is certainly not a right; however, granting all inmates access to 15 hours of TV each day EXCEPT SAMs inmates is arbitrary, unconstitutional punishment. SAMs inmates must have the same access to TV and movies — most sentenced inmates have TVs in their cells. Why would pretrial inmates be deprived TVs in their cells when convicted felons get them? ESPECIALLY given the harsh nature of Solitary Confinement and denial of use of the library, SAMs inmates should be permitted TVs in their cells.
2. Efforts made by you to informally resolve: On Tuesday, Nov 27th I sent a list of 33 unconstitutional issues that were reviewed by the warden. I was told the issues would be addressed, but none were.

3. Names of staff you contacted/Date you contacted the staff:

Prato, Warden, 11/27/18

Date returned to Correctional Counselor: \_\_\_\_\_

Schelte, Joshua

744711054

3/6/19

Inmate's Name

Register Number

Date

**CORRECTIONAL COUNSELOR'S COMMENTS**

1. Efforts made to informally resolve and staff contacted: \_\_\_\_\_

Date informally resolved: \_\_\_\_\_ Counselor Signature: \_\_\_\_\_

Date BP-229(13) Issued: \_\_\_\_\_

Unit Manager: \_\_\_\_\_

# Exhibit H-2

## “MCC, BP-9”

**RESPONSE TO REQUEST FOR ADMINISTRATIVE REMEDY - PART B**

Inmate Name: **SCHULTE, Joshua**

Reg. No. **79471-054**

Administrative Remedy Id.: **974088-F1**

This is in response to your Request for Administrative Remedy dated April 11, 2019, wherein you state access to a television is certainly not a right, but granting all inmates access to 15 hours of television each day except for SAMS inmates is arbitrary, unconstitutional punishment. You are requesting television in cells for SAMS inmates.

Program Statement 5370.11, Recreation Programs, Inmate, does permit in cell television viewing for inmates housed in cells on a regular and continuous basis (e.g., USP Marion, and ADX Florence, etc.). However, this is intended for inmates that are designated to facilities that are designed and built with this capability. MCC New York was primarily designed to house pre-trial and holdover inmates, and was not built with the infrastructure to support in-cell television viewing in 10 South or elsewhere in the Special Housing Unit.

Based on the above information, the relief you seek is denied.

If you are dissatisfied with this response, you may appeal to the Regional Director, Northeast Region, Federal Bureau of Prisons, Northeast Regional Office, U.S. Customs House - 7<sup>th</sup> Floor, 2<sup>nd</sup> & Chestnut Streets, Philadelphia, PA 19106, within 20 calendar days of the date of this response.

7/24/19  
Date

  
L. N. Diaye, Warden

U.S. DEPARTMENT OF JUSTICE  
Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Schulte, Joshua A 71471054 105 MCC  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

Arbitrary TV removal on SAMs: Access to a TV is certainly not a right, but granting all inmates access to 15 hours of TV each day EXCEPT SAMs inmates is arbitrary, unconstitutional punishment. SAMs inmates must have the same access to TV and movies - most sentenced inmates have TVs in their cells. Why would pretrial inmates be denied TVs in their cells when convicted felons get them? The BP-8 response was "There are no inmates at this facility with television in their cells"; which is true - but the other inmates aren't tortured in solitary confinement either. All inmates under SAMs at ADX have TVs in their cells - and in fact it seems to be BOP policy for SAMs inmates to have TVs.

DATE

SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

Part C- RECEIPT

Return to: \_\_\_\_\_  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)



# Exhibit H-3

## “Regional, NE”

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: MAY 16, 2019  
*eb*

*June 7<sup>th</sup>*  
*RCUP*

FROM: ADMINISTRATIVE REMEDY COORDINATOR  
NORTHEAST REGIONAL OFFICE

TO : JOSHUA ADAM SCHULTE, 79471-054  
NEW YORK MCC UNT: 9 QTR: Z02-201LAD  
150 PARK ROW  
NEW YORK, NY 10007

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL  
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY  
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 977815-R1 REGIONAL APPEAL  
DATE RECEIVED : MAY 10, 2019  
SUBJECT 1 : OTHER OPERATIONS  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOU MUST FIRST FILE A BP-9 REQUEST THROUGH THE INSTITUTION  
FOR THE WARDEN'S REVIEW AND RESPONSE BEFORE FILING AN APPEAL  
AT THIS LEVEL.



U.S. Department of Justice

## Regional Administrative Remedy Appeal

Federal Bureau of Prisons

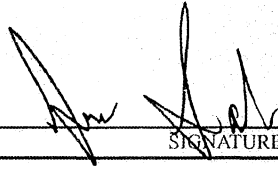
Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Schultze, Joshua A 74471054 LOS MCC  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL: Request same privileges granted sentenced SAMs inmates — TV. I did not receive a response to my BP-A filed on 3/28/19 and it has exceeded the 20-day time limitation. The MCC arbitrarily denies SAMs inmates access to televisions. At MCC, other pretrial inmates have access to televisions for about 15 hours each day whereas SAMs inmates are restricted to a maximum of one hour per day during the week, zero hours on the weekend. Additionally, all other inmates get access to institutional movies and other special content that SAMs inmates do not receive. This denial to SAMs inmates is arbitrary and therefore punitive, violating the 8th amendment's due process clause. SAMs inmates must have access to televisions in their cages. In response to my BP-B, the MCC says that "There are no inmates at this facility with televisions in their cells." While true, no other inmates are exposed to solitary confinement and the extreme psychological torture associated with this savagery. To be sure, every SAMs inmate would rather NOT have a TV in their cage and instead be free of solitary confinement. Since the government instead believes in torture, the next best thing is simply to provide TVs to pretrial SAMs inmates. Additionally, sentenced SAMs inmates in the BOP have access to televisions in their cells. Therefore, there can be absolutely no excuse as to why sentenced inmates receive better treatment than pretrial inmates.

5/1/19

DATE



SIGNATURE OF REQUESTER

## Part B - RESPONSE

RETURNED 6/7

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 97781521

## Part C - RECEIPT

CASE NUMBER: \_\_\_\_\_

Return to: \_\_\_\_\_  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL




# Exhibit H-4

## “Central Office”

REJECTION NOTICE - ADMINISTRATIVE REMEDY

RWD 7/30

DATE: JULY 19, 2019

  
FROM: ADMINISTRATIVE REMEDY COORDINATOR  
CENTRAL OFFICE

TO : JOSHUA ADAM SCHULTE, 79471-054  
NEW YORK MCC UNT: 9 QTR: Z07-301LAD  
150 PARK ROW  
NEW YORK, NY 10007

FOR THE REASONS LISTED BELOW, THIS CENTRAL OFFICE APPEAL  
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY  
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 977815-A1 CENTRAL OFFICE APPEAL  
DATE RECEIVED : JUNE 20, 2019  
SUBJECT 1 : OTHER OPERATIONS  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: CONCUR WITH RATIONALE OF REGIONAL OFFICE AND/OR INSTITUTION  
FOR REJECTION. FOLLOW DIRECTIONS PROVIDED ON PRIOR REJECTION  
NOTICES.



ATTENTION: NO BALLPOINT PEN  
AS A SAMS INMATE HELD IN  
SOLITARY CONFINEMENT, I HAVE  
NO ACCESS TO A BALLPOINT PEN OR  
PHOTOCOPIER

U.S. Department of Justice

## Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: Schulte, Joshua A 79471054 IDS MCC  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

## Part A - REASON FOR APPEAL

Request Same Privileges granted Sentenced SAMS inmates — TVs: My BP-10 received by Regional on 5/10 was denied 5/16 and returned to me on June 7th, claiming I must first file a BP-9. However, I clearly detailed in the BP-10 that I filed a BP-9 on 3/28/19, and have not yet received a response. 28 CFR 542.18 dictates that when the warden does not respond to the BP-9 within 20 calendar days, then it is considered a denial and therefore appealable. Hence, my BP-10 was illegally denied. I appeal. The MCC arbitrarily denies SAMS inmates access to televisions. At MCC, other pretrial inmates have access to televisions for about 15 hours each day whereas SAMS inmates are restricted to a maximum of one hour per day during the week and zero on the weekend (during rec). Additionally, all other inmates get access to institutional movies and other special content that SAMS inmates do not receive. This denial to SAMS inmates is arbitrary, and therefore punitive, violating the 5th Amendment's due process clause. SAMS inmates must have access to TVs in their cages. No other inmates are exposed to solitary confinement and the extreme psychological torture associated with this Savagery. To be sure, every SAMS inmate would rather NOT have a TV in their cage, and instead be free of Solitary Confinement. Since the government instead believes in torture, the next best thing is simply to provide TVs to pretrial SAMS inmates. Additionally, sentenced SAMS inmates in the BOP have access to TVs in their cells. Therefore, there can be absolutely no excuse as to why sentenced inmates receive better treatment than pretrial inmates.

DATE

SIGNATURE OF REQUESTER

## Part B - RESPONSE

DIR

RECEIVED

JUN 20 2019

Administrative Remedy Section  
Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 977815-A1

## Part C - RECEIPT

CASE NUMBER: \_\_\_\_\_

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

UPN LVN



PRINTED ON RECYCLED PAPER

BP-231(13)  
JUNE 2002

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: MAY 16, 2019  
*eb*

*June 7<sup>th</sup>*  
*RCUT*

FROM: ADMINISTRATIVE REMEDY COORDINATOR  
NORTHEAST REGIONAL OFFICE

TO : JOSHUA ADAM SCHULTE, 79471-054  
NEW YORK MCC UNT: 9 QTR: Z02-201LAD  
150 PARK ROW  
NEW YORK, NY 10007

FOR THE REASONS LISTED BELOW, THIS REGIONAL APPEAL  
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY  
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 977815-R1 REGIONAL APPEAL  
DATE RECEIVED : MAY 10, 2019  
SUBJECT 1 : OTHER OPERATIONS  
SUBJECT 2 :  
INCIDENT RPT NO:

REJECT REASON 1: YOU MUST FIRST FILE A BP-9 REQUEST THROUGH THE INSTITUTION  
FOR THE WARDEN'S REVIEW AND RESPONSE BEFORE FILING AN APPEAL  
AT THIS LEVEL.



## Regional Administrative Remedy Appeal

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Schiller, Joshua A 74471154 105 MCC  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

## Part A - REASON FOR APPEAL

Request some privileges granted sentenced same inmates - TV. I did not receive a response to my BP-9 filed on 5/17/19 and it has exceeded the 20-day time limit. The MCC also denies same inmates access to televisions. At MCC, other pretrial inmates have access to television. For about 15 days each day whereas same inmates are restricted to a maximum of one hour per day during the week. Zero hours on weekends. While pretrial inmates get access to visitation rooms and other special units that same inmates do not receive. This denial to same inmates is arbitrary and therefore punitive, violating the 5th amendment due process clause. Same inmates must have access to televisions in their cages. In response to my BP-9, the MCC says that there are no inmates at this facility with televisions in their cells. While true, no other inmates are exposed to solitary confinement and the extreme psychological torture associated with that solitary confinement. Every same inmate would rather have a TV in their cage and visitation free of solitary confinement. Since the government instead believes in torture, the next best thing is simply to provide TVs to pretrial same inmates. Additionally, sentenced same inmates in the BOF have access to televisions in their cells. Therefore, there can be absolutely no excuse as to why sentenced inmates receive better treatment than pretrial inmates.

5/1/19  
DATE

[Signature]  
SIGNATURE OF REQUESTER

## Part B - RESPONSE

DATE RECEIVED  
FEDERAL BUREAU OF PRISONS  
REGIONAL COUNSEL OFFICE

MAY 10 2019

NERO-PHILADELPHIA

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

FIRST COPY: REGIONAL FILE COPY

CASE NUMBER: 9778521

## Part C - RECEIPT

CASE NUMBER: \_\_\_\_\_

Return to: \_\_\_\_\_  
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: \_\_\_\_\_

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL